

**MINUTES**

**MONTANA SENATE  
56th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN MIKE SPRAGUE**, on March 11, 1999 at 3:17 P.M., in Room 405 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Mike Sprague, Chairman (R)  
Sen. Ken Miller, Vice Chairman (R)  
Sen. John C. Bohlinger (R)  
Sen. Chris Christiaens (D)  
Sen. Dorothy Eck (D)  
Sen. Bill Glaser (R)  
Sen. Duane Grimes (R)  
Sen. Don Hargrove (R)  
Sen. J.D. Lynch (D)  
Sen. Dale Mahlum (R)  
Sen. Jon Tester (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jodi Pauley, Committee Secretary  
Mary Vandebosch, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 17, 3/5/1999; HB 230,  
3/5/1999; HB 228, 3/5/1999; HB  
320, 3/5/1999; HB 411,  
3/5/1999  
Executive Action: HB 320; HB 17; HB 230; HB 228

**HEARING ON HB 230**

**Sponsor:** REP. JOHN HOLDEN, HD 86, Valier

**Proponents:**

**Glenna Obie, Jefferson Co. Commissioner**  
**Jane Jelinski, Montana Assoc. of Counties**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. JOHN HOLDEN, HD 86, Valier,** said this bill was requested by the Pondera County Commissioners and they want to add two members to their county health board.

**Proponents' Testimony:**

**Glenna Obie, Jefferson Co. Commissioner,** said they are a large county and health boards have a lot of duties. She listed those duties. She said their board is made up of two nurses, one well drilling professional, one physician assistant and one state employee. They would like to add a couple more members to their health board to get a broad range of expertise and represent the broad geographical areas of their county.

**Jane Jelinski, Montana Assoc. of Counties,** rose in support of **HB 230.**

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

**REP. HOLDEN** closed on **HB 230.**

**HEARING ON HB 17**

**Sponsor:** **REP. BOB LAWSON, HD 80, Whitefish**

**Proponents:**

**Riley Johnson, National Federation of Independent Businesses**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. BOB LAWSON, HD 80, Whitefish,** said this is a mini jobs' and income bill. He gave an example of a small business opening up in

Whitefish called Sprague's Spectacular Services. Sprague applies for a \$17 business license and opens up a business in his home. He then gets a notice saying that there are solid waste management fees placed on all businesses in the county. If the business is in a home, the home is assessed one residential unit and one commercial unit. He read the main part of the bill on lines 24-28.

**{Tape : 1; Side : A; Approx. Time Counter : 3:25 p.m.}**

**Proponents' Testimony:**

**Riley Johnson, National Federation of Independent Businesses,** said home based businesses are one of the largest growing businesses in Montana. Local governments are finding ways to come up with different fees in many different areas. This it not fair when these small businesses are not creating any more waste within their own home.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. DUANE GRIMES** asked what is the definition of a solid waste management district and does it primarily include urban districts. **REP. LAWSON** said there are 19 or 20 solid waste districts. In Flathead County they have a solid waste district and they run the landfill. The \$65 is to dump their waste into the landfill.

**SEN. GRIMES** said it may be hard to determine what the average is or if they are 20 percent over. **REP. LAWSON** said the original bill stated a significantly, greater amount of waste. But this was hard to define so they made it 20 percent. This is up to the solid waste district to decide, not the people who have the home based business.

**CHAIRMAN MIKE SPRAGUE** asked who is going to measure the 20 percent. **REP. LAWSON** said if the solid waste district wants to do that, that is their responsibility.

**SEN. DON HARGROVE** asked if it is 20 percent more than the average and what if they already produce more than 20 percent. **REP. LAWSON** said the language of significantly greater didn't define it properly because it could of been an ounce, etc. This is why it is at the 20 percent.

**SEN. CHRIS CHRISTIAENS** said there are some businesses that are seasonal and in the summer months there may be more waste than in

the winter. **REP. LAWSON** said the 20 percent would be based on a yearly basis.

**SEN. DALE MAHLUM** asked how the City of Columbia Falls handles this. **REP. LAWSON** said he was not sure, but the \$65 is a yearly charge and is assessed by the solid waste district not the city.

**SEN. MAHLUM** asked if the garbage truck comes in and picks up the garbage every week for \$65. **REP. LAWSON** said the \$65 is to dump at the landfill. They have to pay extra to have the garbage picked up.

**Closing by Sponsor:**

**REP. LAWSON** closed on **HB 17**.

**HEARING ON HB 320**

**Sponsor:** **REP. DAVID EWER, HD 53, Helena**

**Proponents:** None

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. DAVID EWER, HD 53, Helena,** asked to have **HB 320** tabled.

**EXECUTIVE ACTION ON HB 320**

**Motion/Vote:** **SEN. LYNCH** moved **HB 320 BE TABLED**. Motion carried unanimously 11-0.

**HEARING ON HB 228**

**Sponsor:** **REP. DAVID EWER, HD 53, Helena**

**Proponents:**

**Jane Jelinski, MACo**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. DAVID EWER, HD 53, Helena,** said two sessions ago the legislature passed legislation that restricted when elections could be made by local governments. This bill gives more

flexibility to local governments that are newly created. He used the example of Colstrip which became incorporated in November. They don't have a council board yet and can't conduct any business. This gives them some flexibility to control when their elections will be.

***{Tape : 1; Side : A; Approx. Time Counter : 3:37 p.m.}***

**Proponents' Testimony:**

**Jane Jelinski, MACo**, rose in support of **HB 228**.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. KEN MILLER** said this bill goes in the opposite direction of CI-75. People want less elections and some predictability as to when elections are going to take place. **REP. EWER** said he feels they should have this flexibility.

**SEN. JON TESTER** said CI-75 dealt with tax elections and not elections of local government officials. **REP. EWER** said yes, it does deal with the election of local officials.

**SEN. HARGROVE** asked if this will ever be used. **REP. EWER** said no, not a lot, but in Montana there are several communities that may want to have town government.

**SEN. MAHLUM** asked if Montana Codes are so out of step that they have to add something to it. **REP. EWER** said they were out of step until 1995, when they passed a bill that said how often local governments would have elections. But there should be some flexibility for local governments to choose their election dates. Colstrip has incorporated itself and they still don't have a city council and they can't put that together until the next primary election.

**Closing by Sponsor:**

**REP. EWER** closed on **HB 228**.

***{Tape : 1; Side : A; Approx. Time Counter : 3:44 p.m.}***

**HEARING ON HB 411**

**Sponsor:** **REP. DAVID EWER, HD 53, Helena,**

**Proponents:**

**Paul Reichart, Helena Improvement District and Parking Commission**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. DAVID EWER, HD 53, Helena,** opened on **HB 411**. He referred to page 1, lines 20-23.

**Proponents' Testimony:**

**Paul Reichart, Helena Improvement District and Parking Commission,** said this allows a local government to name the board of trustees to the Business Improvement District who also serve as the Parking Commission so long as the boundary of the two organizations are fairly similar. Parking management is one of the most critical issues affecting the downtown area of Helena. The Business Improvement District and Parking Commission operate as separate entities, however, most of the members serve on both of these boards. The public is often confused on who is responsible for key decisions. If this bill is passed the responsibility would fall squarely on the Business Improvement District and this would reduce redundancy between the two.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. HARGROVE** asked how are the members of the Business Improvement District chosen. **Paul Reichart** said they are appointed by the city and they must be property owners in that district.

**SEN. HARGROVE** asked couldn't the city or the mayor appoint the same people to both entities. **Paul Reichart** said this was tried several years ago and the city attorney said that wasn't legally possible.

**SEN. DOROTHY ECK** asked if both agencies share the same office. **Paul Reichart** said yes that was correct.

**Closing by Sponsor:**

**REP. EWER** closed on **HB 411**.

**EXECUTIVE ACTION ON HB 411**

**Motion:** SEN. CHRISTIAENS moved HB 411 BE CONCURRED IN.

**Discussion:**

SEN. HARGROVE said it still seems that a statute change is not necessary. Mary Vandebosch said she would have to look into that.

SEN. CHRISTIAENS withdrew his motion on HB 411.

**EXECUTIVE ACTION ON HB 228**

**Motion:** SEN. LYNCH moved HB 228 BE CONCURRED IN.

**Discussion:**

SEN. MILLER said there is frustration by the people to have these elections all the time and this bill is not necessary. Colstrip has been in their current state for about 15 years and it won't make any difference if they wait six months before the primary election.

SEN. MAHLUM said the bill says "may."

SEN. ECK said they may find problems if they have to wait six months to have an election. Citizens might be more disgruntled if they have to wait for the next election.

SEN. LYNCH said this has nothing to do with CI-75 and this gives Local Governments some more options.

SEN. TESTER said this offers the local municipalities some flexibility.

**Vote:** Motion carried 9-1 with Miller voting no.

**EXECUTIVE ACTION ON HB 17**

**Motion:** SEN. CHRISTIAENS moved HB 17 BE CONCURRED IN.

**Discussion:**

SEN. JOHN BOHLINGER said on line 28 it might be wise to put in annually.

SEN. LYNCH said it won't matter.

**Vote:** Motion carried unanimously 10-0.

**EXECUTIVE ACTION ON HB 230**

**Motion/Vote:** SEN. CHRISTIAENS moved HB 230 BE CONCURRED IN.

Motion carried 10-0.

**ADJOURNMENT**

Adjournment: 3:57 P.M.

---

SEN. MIKE SPRAGUE, Chairman

---

JODI PAULEY, Secretary

MS/JP

**EXHIBIT (los55aad)**